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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Allocation of Spectrum Below)
5 GHz Transferred from)
Federal Government Use)
)
_____)

ET Docket No. 94-32

COMMENTS OF THE COUNTY OF LOS ANGELES

Thomas H. Bugbee
Bruce Malt
Regulatory Affairs
Telecommunications Branch
Information Technology Services
County of Los Angeles
Internal Services Department
P.O. Box 2231
Downey, CA 90242
(310) 940-3935

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The Federal Communications Commission, in ET Docket No. 94-32, Notice of Proposed Rule Making, references the reallocation of the 2390-2400 MHz, 2402-2417 MHz and 4660-4685 MHz bands. This is the first 50 MHz released by the Federal Government.

Los Angeles County ("County"), in its opening comments, hereby states that it is possible to use some of this spectrum for live airborne video transmissions. Such transmissions would be of an emergency operations nature for Sheriff and Fire Department helicopters.

The Commission's proposal is to allocate the 50 MHz for Fixed and Mobile use, without any more specific allocations. The frequencies would be divided into blocks and auctioned to the highest bidder, without regard to the bidder's proposed use (if it is fixed or mobile). The County believes this violates the spirit, if not the letter, of the auction legislation, which authorizes auctions only for assigning frequencies when there are mutually exclusive applications. Auctions are not to be used for allocating the spectrum in first instance. Los Angeles County believes the Commission is obviously trying to side-step that requirement with its extraordinarily broad Fixed and Mobile allocation.

The FCC suggests "...a wide range of services employing varying technologies. This approach is similar to one taken in ET Docket No. 92-9, where we redesignated spectrum in the 2GHz range for emerging technologies." ¹

The result of the PCS rulings forcibly, and under extreme protest, removes County public safety microwave communication links in the 2GHz band. All proposed compensation is inadequate compared to the real threat to public safety communications. Thus, any approach that references ET Docket No. 92-9 is highly suspect.

The opening comments of Los Angeles County strongly opposes the use of auctions, specifically addressed in this matter and auctions in general. The outlook for local government frequency retention and acquisition is increasingly bleak as precious frequency spectrum is frivolously awarded to the highest bidder. There is no logical thought to the impact this has on the daily and emergency operations of local government, such as Los Angeles County. The

¹ See Allocation of Spectrum below 5GHz Transferred from Federal Government Use, ET Docket No. 94-32 at 5.

consumer also suffers as auctions are a defacto tax on the public. As spectrum is bidded up into the stratosphere, the consumer will pay more for monthly access and per minute charges with the new PCS services. Auctions do not improve access to communications by government and the public, they restrict it. Therefore, the frequencies addressed in this matter should be awarded to those who have interests that benefit the public welfare and not the bulging bank accounts of bidders and lobbyists.

The County has one simple request. Award the 50MHz of spectrum as discussed in this proceeding to Fire and Sheriff aeronautical emergency operations.

The County has approximately 7 Fire Helicopters and 15 Sheriff Helicopters. Southern California is constantly barraged with disasters including: fires, floods, earthquakes and riots.

Emergency situations can best be managed by command and control operations being augmented by an aeronautical view of problem areas, such as:

- Brush fires
- Flooded terrain

- Swift water rescues
- Ocean rescues
- Major residential or commercial fires
- Earthquake damage assessments
- Riot control
- Hostage situations
- Dignitary protection

The television and radio stations in the Greater Los Angeles area are extremely cooperative in general, and specifically during disasters. Helicopter video coverage of Fire and Sheriff scenes is extremely valuable. Indeed, the broadcasters require and should receive more microwave frequencies for their electronic news gathering efforts (and should not be subjected to auctions). The County helicopters have specific missions that cannot be handled by the broadcasters, such as sensitive covert operations or flying in restricted airspace defined for a raging wildfire.

Some specific comments directly addressed and hereby responded to by the County reference ET Docket No. 94-32 include:

A. The In-Flight Phone Corporation proposal for Aeronautical

Audio Visual Service (AAVS) would be permissible if it did not interfere with County operations.

- B. Unlicensed PCS or Multipoint Distribution Service (MDS) would be unacceptable based on the fact that ample spectrum is already available for these services, which by their very nature would interfere with our proposal.
- C. The 4660-4685 MHz band should be investigated for use by the Broadcast Auxiliary Service (BAS).²
- D. The 2300-2310 band should also be allocated for video services that the County would apply for. Extensive geographical disasters, such as wild fires and earthquakes will require multiple transmissions from several helicopters at the same time. Only with this additional band will the County be able to provide the highest level of public service.
- E. Amateur radio services should be protected.

In part, ET Docket No., 94-32 states, "Parties should also provide a cost/benefit analysis for their proposal, and compare their proposal to other proposals under consideration. Finally, parties should discuss licensing mechanisms for the proposed service,

²ibid. at 9, #21

including whether the service meets the criteria for competitive bidding...³

The County of Los Angeles challenges any party to this proceeding to conjure up a cost/benefit analysis for saving peoples lives and protecting the health and safety of citizens, for just such activities are possible with airborne microwave video as discussed earlier. The County further questions the validity of "meeting the criteria for competitive bidding" as vital spectrum is gobbled up by speculators with deep pockets, eroding potential public safety radio resources.

The County emphasizes its immediate requirement for these frequencies in the following 4 points:

1. In Southern California, natural disasters include: earthquakes, floods, mud slides, and wildfires. During any of these events, Public Safety agencies can benefit from the use of more than one airborne video channel to transmit real-time images on the status of the disaster from different vantage

³ibid. at 10

points and to the same command center. These different images can be used to better access the overall situation and direct valuable resources, such as equipment and manpower, where they are needed the most.

2. During a major demonstration, parade, or civil disturbance such as a riot, law enforcement agencies can benefit from the use of more than one airborne video channel to transmit real-time images on the status of the event from different vantage points and to the same command center. As in a natural disaster, these different images can be used to better assess the overall situation and direct valuable and limited resources where they are needed the most.
3. Law enforcement agencies and their bomb squad personnel can benefit from video channels for use in their robotics units. This added video capability would assist these units in dismantling explosive devices without having to compromise the lives of any of their highly trained and specialized field personnel.
4. One of the reasons for recommending that the Commission allocate more than one video channel for public safety purposes is because this same spectrum is currently being used by certain consumer and medical telemetry products. Having

the ability to select a different channel to avoid any potential interference during any given event or tactical operation can mean the difference between protecting or compromising safety-of-life and/or safety-of-property situations. Also, multiple tactical operations could require simultaneous use of multiple channels.

The County of Los Angeles respectfully requests consideration of our comments. In addition, the County supports the filing of the Los Angeles Sheriff's Department and the filing of the Association of Public Safety Communications Officials-International, Inc.

BM:cr

(et9432)

The County of Los Angeles appreciates this opportunity to present
our opening comments.

Respectfully submitted,

COUNTY OF LOS ANGELES

A handwritten signature in dark ink, appearing to read "Thomas H. Bugbee", is written over a horizontal line.

By: Thomas H. Bugbee
Chief, Regulatory Affairs
Information Technology Services
Telecommunications Branch
County of Los Angeles
Internal Services Department
P.O. Box 2231
Downey, CA 90242
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